

AMENDED IN ASSEMBLY MAY 28, 2014

AMENDED IN ASSEMBLY MAY 23, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

AMENDED IN ASSEMBLY MARCH 13, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 1522**

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**Introduced by Assembly Member Gonzalez**

**(Principal coauthor: Assembly Member Levine)**

**(Coauthors: Assembly Members Alejo, Ammiano, Bonta, Campos, Dickinson, ~~Hernández~~, Roger Hernández, Lowenthal, Rendon, Stone, Ting, Wieckowski, and Williams)**

**(Coauthor: Senator Hueso)**

January 16, 2014

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An act to amend Section 226 of, and to add Article 1.5 (commencing with Section 245) to Chapter 1 of Part 1 of Division 2 of, the Labor Code, relating to employment.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1522, as amended, Gonzalez. Employment: paid sick days.

Existing law authorizes employers to provide their employees paid sick leave.

This bill would enact the Healthy Workplaces, Healthy Families Act of 2014 to provide that an employee who on or after July 1, 2015, works in California for 7 or more days in a calendar year is entitled to paid sick days, to be accrued at a rate of no less than one hour for every 30 hours worked. An employee would be entitled to use accrued sick days beginning on the 90th calendar day of employment. The bill would

authorize an employer to limit an employee's use of paid sick days to 24 hours or 3 days in each calendar year. The bill would require an employer to provide paid sick days, upon the request of the employee, for diagnosis, care, or treatment of health conditions of the employee or an employee's family member, or for leave related to domestic violence, sexual assault, or stalking. The bill would prohibit an employer from discriminating or retaliating against an employee who requests paid sick days. The bill would require employers to satisfy specified posting and notice and recordkeeping requirements. The bill would define terms for those purposes and make conforming changes.

**This**

*The* bill would require the Labor Commissioner to administer and enforce these requirements, including the promulgation of regulations, and the investigation, mitigation, and relief of violations of these requirements. The bill would authorize the Labor Commissioner to impose specified administrative fines for violations and would authorize ~~an aggrieved person, the commissioner, commissioner or the Attorney General, or an entity a member of which is aggrieved to bring an action~~ *General* to recover specified civil penalties against an offender, as well as attorney's fees, costs, and interest.

The bill would specify that it does not apply to employees covered by a collective bargaining agreement that provides for paid sick days, nor lessen any other obligations of the employer to employees. The bill would not apply to employees in the construction industry covered by a collective bargaining agreement if the agreement contains specified terms and was either entered into before January 1, 2015, or expressly waives the requirements of the bill in clear and unambiguous terms. The bill would apply to certain public authorities established to deliver in-home supportive services, except where a collective bargaining agreement provides for an incremental wage increase sufficient to satisfy the bill's requirements for accrual of sick days.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) Nearly every worker in the State of California will at some
- 3 time during the year need some time off from work to take care
- 4 of his or her own health or the health of family members.

1 (b) Many workers in California do not have any paid sick days,  
2 or have an inadequate number of paid sick days, to care for their  
3 own health or the health of family members.

4 (c) Low-income workers are significantly less likely to have  
5 paid sick time than other workers.

6 (d) Providing workers time off to attend to their own health care  
7 and the health care of family members will ensure a healthier and  
8 more productive workforce in California.

9 (e) Paid sick days will have an enormously positive impact on  
10 the public health of Californians by allowing sick workers paid  
11 time off to care for themselves when ill, thus lessening their  
12 recovery time and reducing the likelihood of spreading illness to  
13 other members of the workforce.

14 (f) Paid sick days will allow parents to provide personal care  
15 for their sick children. Parental care ensures children's speedy  
16 recovery, prevents more serious illnesses, and improves children's  
17 overall mental and physical health.

18 (g) Providing paid sick days is affordable for employers and  
19 good for business.

20 (h) Employers who provide paid sick days enjoy greater  
21 employee retention and reduce the likelihood of employees coming  
22 to work sick. Studies have shown that costs of decreased  
23 productivity caused by sick workers exceed the costs of employee  
24 absenteeism.

25 (i) Many adults have significant elder care responsibilities  
26 requiring them to take time off from work or to work reduced  
27 hours.

28 (j) Employees frequently lose their jobs or are disciplined for  
29 taking sick days to care for sick family members or to recover  
30 from their own illnesses.

31 (k) Workers whose jobs involve significant contact with the  
32 public, such as service workers and restaurant workers, are very  
33 unlikely to have paid sick days. Often, these workers have no  
34 choice but to come to work when they are ill, thereby spreading  
35 illness to coworkers and customers.

36 (l) Domestic violence and sexual assault affect many persons  
37 without regard to age, race, national origin, sexual orientation, or  
38 socioeconomic status.

39 (m) Domestic violence is a crime that has a devastating effect  
40 on families, communities, and the workplace. It impacts

1 productivity, effectiveness, absenteeism, and employee turnover  
2 in the workplace. The National Crime Survey estimates that  
3 175,000 days of work each year are missed due to domestic  
4 violence.

5 (n) Survivors of domestic violence and sexual assault may be  
6 vulnerable at work when trying to end an abusive relationship  
7 because the workplace may be the only place where the perpetrator  
8 knows to contact the victim. Studies show that up to one-half of  
9 domestic violence victims experience job loss. Forty percent  
10 reported on-the-job harassment. Nearly 50 percent of sexual assault  
11 survivors lose their jobs or are forced to quit in the aftermath of  
12 the assaults.

13 (o) Affording survivors of domestic violence and sexual assault  
14 paid sick days is vital to their independence and recovery.

15 SEC. 2. In enacting this act, it is the intent of the Legislature  
16 to do the following:

17 (a) Ensure that workers in California can address their own  
18 health needs and the health needs of their families by requiring  
19 employers to provide a minimum level of paid sick days including  
20 time for family care.

21 (b) Decrease public and private health care costs in California  
22 by enabling workers to seek early and routine medical care for  
23 themselves and their family members and to address domestic  
24 violence or sexual assault.

25 (c) Protect employees in California from losing their jobs while  
26 they use sick days to care for themselves or their families.

27 (d) Provide economic security to employees in California who  
28 take time off from work for reasons related to domestic violence  
29 or sexual assault.

30 (e) Safeguard the welfare, health, safety, and prosperity of the  
31 people of and visitors to California.

32 SEC. 3. Section 226 of the Labor Code is amended to read:

33 226. (a) An employer shall, semimonthly or at the time of each  
34 payment of wages, furnish to each employee, either as a detachable  
35 part of the check, draft, or voucher paying the employee's wages,  
36 or separately if wages are paid by personal check or cash, an  
37 accurate itemized statement in writing showing (1) gross wages  
38 earned, (2) total hours worked by the employee, unless the  
39 employee's compensation is solely based on a salary and the  
40 employee is exempt from payment of overtime under subdivision

1 (a) of Section 515 or an applicable order of the Industrial Welfare  
2 Commission, (3) the number of piece-rate units earned and the  
3 applicable piece rate if the employee is paid on a piece-rate basis,  
4 (4) all deductions, provided that all deductions made on written  
5 orders of the employee may be aggregated and shown as one item,  
6 (5) net wages earned, (6) the inclusive dates of the period for which  
7 the employee is paid, (7) the name of the employee and only the  
8 last four digits of his or her social security number or an employee  
9 identification number other than a social security number, (8) the  
10 name and address of the legal entity that is the employer and, if  
11 the employer is a farm labor contractor, as defined in subdivision  
12 (b) of Section 1682, the name and address of the legal entity that  
13 secured the services of the employer, (9) paid sick leave accrued  
14 and used pursuant to Article 1.5 (commencing with Section 245),  
15 and (10) all applicable hourly rates in effect during the pay period  
16 and the corresponding number of hours worked at each hourly rate  
17 by the employee and, beginning July 1, 2013, if the employer is a  
18 temporary services employer as defined in Section 201.3, the rate  
19 of pay and the total hours worked for each temporary services  
20 assignment. The deductions made from payment of wages shall  
21 be recorded in ink or other indelible form, properly dated, showing  
22 the month, day, and year, and a copy of the statement and the  
23 record of the deductions shall be kept on file by the employer for  
24 at least three years at the place of employment or at a central  
25 location within the State of California. For purposes of this  
26 subdivision, "copy" includes a duplicate of the itemized statement  
27 provided to an employee or a computer-generated record that  
28 accurately shows all of the information required by this subdivision.

29 (b) An employer that is required by this code or a regulation  
30 adopted pursuant to this code to keep the information required by  
31 subdivision (a) shall afford current and former employees the right  
32 to inspect or copy records pertaining to their employment, upon  
33 reasonable request to the employer. The employer may take  
34 reasonable steps to ensure the identity of a current or former  
35 employee. If the employer provides copies of the records, the actual  
36 cost of reproduction may be charged to the current or former  
37 employee.

38 (c) An employer who receives a written or oral request to inspect  
39 or copy records pursuant to subdivision (b) pertaining to a current  
40 or former employee shall comply with the request as soon as

1 practicable, but no later than 21 calendar days from the date of the  
2 request. A violation of this subdivision is an infraction.  
3 Impossibility of performance, not caused by or a result of a  
4 violation of law, shall be an affirmative defense for an employer  
5 in any action alleging a violation of this subdivision. An employer  
6 may designate the person to whom a request is made under this  
7 subdivision.

8 (d) This section does not apply to an employer of a person  
9 employed by the owner or occupant of a residential dwelling whose  
10 duties are incidental to the ownership, maintenance, or use of the  
11 dwelling, including the care and supervision of children, or whose  
12 duties are personal and not in the course of the trade, business,  
13 profession, or occupation of the owner or occupant.

14 (e) (1) An employee suffering injury as a result of a knowing  
15 and intentional failure by an employer to comply with subdivision  
16 (a) is entitled to recover the greater of all actual damages or fifty  
17 dollars (\$50) for the initial pay period in which a violation occurs  
18 and one hundred dollars (\$100) per employee for each violation  
19 in a subsequent pay period, not to exceed an aggregate penalty of  
20 four thousand dollars (\$4,000), and is entitled to an award of costs  
21 and reasonable attorney's fees.

22 (2) (A) An employee is deemed to suffer injury for purposes  
23 of this subdivision if the employer fails to provide a wage  
24 statement.

25 (B) An employee is deemed to suffer injury for purposes of this  
26 subdivision if the employer fails to provide accurate and complete  
27 information as required by any one or more of items (1) to (10),  
28 inclusive, of subdivision (a) and the employee cannot promptly  
29 and easily determine from the wage statement alone one or more  
30 of the following:

31 (i) The amount of the gross wages or net wages paid to the  
32 employee during the pay period or any of the other information  
33 required to be provided on the itemized wage statement pursuant  
34 to items (2) to (4), inclusive, (6), (9), and (10) of subdivision (a).

35 (ii) Which deductions the employer made from gross wages to  
36 determine the net wages paid to the employee during the pay  
37 period. Nothing in this subdivision alters the ability of the employer  
38 to aggregate deductions consistent with the requirements of item  
39 (4) of subdivision (a).

1 (iii) The name and address of the employer and, if the employer  
2 is a farm labor contractor, as defined in subdivision (b) of Section  
3 1682, the name and address of the legal entity that secured the  
4 services of the employer during the pay period.

5 (iv) The name of the employee and only the last four digits of  
6 his or her social security number or an employee identification  
7 number other than a social security number.

8 (C) For purposes of this paragraph, “promptly and easily  
9 determine” means a reasonable person would be able to readily  
10 ascertain the information without reference to other documents or  
11 information.

12 (3) For purposes of this subdivision, a “knowing and intentional  
13 failure” does not include an isolated and unintentional payroll error  
14 due to a clerical or inadvertent mistake. In reviewing for  
15 compliance with this section, the factfinder may consider as a  
16 relevant factor whether the employer, prior to an alleged violation,  
17 has adopted and is in compliance with a set of policies, procedures,  
18 and practices that fully comply with this section.

19 (f) A failure by an employer to permit a current or former  
20 employee to inspect or copy records within the time set forth in  
21 subdivision (c) entitles the current or former employee or the Labor  
22 Commissioner to recover a ~~seven-hundred-fifty-dollar~~ *penalty of*  
23 *seven hundred fifty dollars (\$750)* ~~penalty~~ from the employer.

24 (g) The listing by an employer of the name and address of the  
25 legal entity that secured the services of the employer in the itemized  
26 statement required by subdivision (a) shall not create any liability  
27 on the part of that legal entity.

28 (h) An employee may also bring an action for injunctive relief  
29 to ensure compliance with this section, and is entitled to an award  
30 of costs and reasonable attorney’s fees.

31 (i) This section does not apply to the state, to a city, county, city  
32 and county, district, or to any other governmental entity, except  
33 that if the state or a city, county, city and county, district, or other  
34 governmental entity furnishes its employees with a check, draft,  
35 or voucher paying the employee’s wages, the state or a city, county,  
36 city and county, district, or other governmental entity shall use no  
37 more than the last four digits of the employee’s social security  
38 number or shall use an employee identification number other than  
39 the social security number on the itemized statement provided with  
40 the check, draft, or voucher.

SEC. 4. Article 1.5 (commencing with Section 245) is added to Chapter 1 of Part 1 of Division 2 of the Labor Code, to read:

Article 1.5. Paid Sick Days

245. This article shall be known and may be cited as the Healthy Workplaces, Healthy Families Act of 2014.

245.5. As used in this article:

(a) "Employee" does not include the following:

(1) An employee covered by a valid collective bargaining agreement if the agreement expressly provides for the wages, hours of work, and working conditions of employees, and expressly provides for paid sick days or a paid leave or paid time off policy that permits the use of sick days for those employees, final and binding arbitration of disputes concerning the application of its paid sick days provisions, premium wage rates for all overtime hours worked, and regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate.

(2) An employee in the construction industry covered by a valid collective bargaining agreement if the agreement expressly provides for the wages, hours of work, and working conditions of employees, premium wage rates for all overtime hours worked, and regular hourly pay of not less than 30 percent more than the state minimum wage rate, and the agreement either (A) was entered into before January 1, 2015, or (B) expressly waives the requirements of this article in clear and unambiguous terms. For purposes of this subparagraph, "employee in the construction industry" means an employee performing onsite work associated with construction, including work involving alteration, demolition, building, excavation, renovation, remodeling, maintenance, improvement, repair work, and any other work as described by Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and other similar or related occupations or trades.

(b) "Employer" means any person employing another under any appointment or contract of hire and includes the state, political subdivisions of the state, and municipalities.

(c) "Family member" means any of the following:

(1) A child, which for purposes of this article means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom



1 the employee stands in loco parentis. This definition of a child is  
2 applicable regardless of age or dependency status.

3 (2) A biological, adoptive, or foster parent, stepparent, or legal  
4 guardian of an employee or the employee's spouse or registered  
5 domestic partner, or a person who stood in loco parentis when the  
6 employee was a minor child.

7 (3) A spouse.

8 (4) A registered domestic partner.

9 (5) A grandparent.

10 (6) A grandchild.

11 (7) A sibling.

12 (d) "Health care provider" has the same meaning as defined in  
13 paragraph (6) of subdivision (c) of Section 12945.2 of the  
14 Government Code.

15 (e) "Paid sick days" means time that is compensated at the same  
16 wage as the employee normally earns during regular work hours  
17 and is provided by an employer to an employee for the purposes  
18 described in Section 246.5.

19 246. (a) An employee who, on or after July 1, 2015, works in  
20 California for seven or more days in a calendar year is entitled to  
21 paid sick days as specified in this section.

22 (b) (1) An employee shall accrue paid sick days at the rate of  
23 not less than one hour per every 30 hours worked, beginning at  
24 the commencement of employment or the operative date of this  
25 article, whichever is later.

26 (2) An employee who is exempt from overtime requirements  
27 as an administrative, executive, or professional employee under a  
28 wage order of the Industrial Welfare Commission is deemed to  
29 work 40 hours per workweek for the purposes of this section,  
30 unless the employee's normal workweek is less than 40 hours, in  
31 which case the employee shall accrue paid sick days based upon  
32 that normal workweek.

33 (c) An employee shall be entitled to use accrued paid sick days  
34 beginning on the 90th calendar day of employment, after which  
35 day the employee may use paid sick days as they are accrued.

36 (d) Accrued paid sick days shall carry over to the following  
37 year of employment. However, an employer may limit an  
38 employee's use of paid sick days to 24 hours or three days in each  
39 calendar year of employment.

1 (e) An employer is not required to provide additional paid sick  
2 days pursuant to this section if the employer has a paid leave policy  
3 or paid time off policy and the employer makes available an  
4 amount of leave that satisfies the accrual requirements of this  
5 section and that may be used for the same purposes and under the  
6 same conditions as specified in this section.

7 (f) (1) Except as specified in paragraph (2), an employer is not  
8 required to provide compensation to an employee for accrued,  
9 unused paid sick days upon termination, resignation, retirement,  
10 or other separation from employment.

11 (2) If an employee separates from an employer and is rehired  
12 by the employer within one year, previously accrued and unused  
13 paid sick days shall be reinstated. The employee shall be entitled  
14 to use those previously accrued and unused paid sick days and to  
15 accrue additional paid sick days upon rehiring.

16 (g) An employer may lend paid sick days to an employee in  
17 advance of accrual, at the employer's discretion and with proper  
18 documentation.

19 246.5. (a) Upon the oral or written request of an employee,  
20 an employer shall provide paid sick days for the following  
21 purposes:

22 (1) Diagnosis, care, or treatment of an existing health condition  
23 of, or preventive care for, an employee or an employee's family  
24 member.

25 (2) For an employee who is a victim of domestic violence, sexual  
26 assault, or stalking, the purposes described in subdivision (c) of  
27 Section 230 and subdivision (a) of Section 230.1.

28 (b) An employer shall not require as a condition of using paid  
29 sick days that the employee search for or find a replacement worker  
30 to cover the days during which the employee uses paid sick days.

31 (c) (1) An employer shall not deny an employee the right to  
32 use sick days, discharge, threaten to discharge, demote, suspend,  
33 or in any manner discriminate against an employee for using sick  
34 days, attempting to exercise the right to use sick days, filing a  
35 complaint with the department or in a court alleging a violation of  
36 this article, cooperating in an investigation or prosecution of an  
37 alleged violation of this article, or opposing any policy or practice  
38 or act that is prohibited by this article.

39 (2) There shall be a rebuttable presumption of unlawful  
40 retaliation if an employer denies an employee the right to use sick

1 days, discharges, threatens to discharge, demotes, suspends, or in  
2 any manner discriminates against an employee within 30 days of  
3 any of the following:

4 (A) The filing of a complaint by the employee with the Labor  
5 Commissioner or in a court alleging a violation of this article.

6 (B) The cooperation of an employee with an investigation or  
7 prosecution of an alleged violation of this article.

8 (C) Opposition by the employee to a policy, practice, or act that  
9 is prohibited by this article.

10 247. (a) An employer shall give each employee written notice  
11 of the requirements of this article in English, the languages set  
12 forth in subdivision (b) of Section 1632 of the Civil Code, and any  
13 other language spoken by at least 5 percent of the employees. The  
14 written notice shall state the following:

15 (1) That an employee is entitled to accrue, request, and use paid  
16 sick days.

17 (2) The amount of paid sick days provided for by this article.

18 (3) The terms of use of paid sick days.

19 (4) That retaliation or discrimination against an employee who  
20 requests paid sick days or uses paid sick days, or both, is prohibited  
21 and that an employee has the right under this article to file a  
22 complaint or bring a civil action against an employer who retaliates  
23 or discriminates against the employee.

24 (b) In each workplace of the employer, the employer shall  
25 display a poster in a conspicuous place containing all the  
26 information specified in subdivision (a). The Labor Commissioner  
27 shall create a poster containing this information and make it  
28 available to employers.

29 (c) An employer who willfully violates the notice and posting  
30 requirements of this section is subject to a civil penalty of not more  
31 than one hundred dollars (\$100) per each offense.

32 247.5. An employer shall keep for at least five years records  
33 documenting the hours worked and paid sick days accrued and  
34 used by an employee. An employer shall allow the Labor  
35 Commissioner access to these records with appropriate notice and  
36 at a mutually agreeable time to monitor compliance with this  
37 article. An employer shall make these records available to an  
38 employee pursuant to Section 226. If an employer does not  
39 maintain adequate records pursuant to this section, it shall be  
40 presumed that the employee is entitled to the maximum number

1 of hours accruable under this article, unless the employer can show  
2 otherwise by clear and convincing evidence.

3 248. The Labor Commissioner shall coordinate implementation  
4 and enforcement of this article and promulgate guidelines and  
5 regulations for those purposes.

6 248.5. (a) The Labor Commissioner shall enforce this article,  
7 including investigating an alleged violation, and ordering  
8 appropriate temporary relief to mitigate the violation or to maintain  
9 the status quo pending the completion of a full investigation or  
10 hearing.

11 (b) If the Labor Commissioner, after a hearing that contains  
12 adequate safeguards to ensure that the parties are afforded due  
13 process, determines that a violation of this article has occurred, he  
14 or she may order any appropriate relief, including reinstatement,  
15 backpay, the payment of sick days unlawfully withheld, and the  
16 payment of an additional sum in the form of an administrative  
17 penalty to an employee or other person whose rights under this  
18 article were violated. If paid sick days were unlawfully withheld,  
19 the dollar amount of paid sick days withheld from the employee  
20 multiplied by three, or two hundred fifty dollars (\$250), whichever  
21 amount is greater, shall be included in the administrative penalty.  
22 In addition, if a violation of this article results in other harm to the  
23 employee or person, such as discharge from employment, or  
24 otherwise results in a violation of the rights of the employee or  
25 person, the administrative penalty shall include a sum of fifty  
26 dollars (\$50) for each day or portion thereof that the violation  
27 occurred or continued.

28 (c) Where prompt compliance by an employer is not  
29 forthcoming, the Labor Commissioner may take any appropriate  
30 enforcement action to secure compliance, including the filing of  
31 a civil action. In compensation to the state for the costs of  
32 investigating and remedying the violation, the commissioner may  
33 order the violating employer to pay to the state a sum of not more  
34 than fifty dollars (\$50) for each day or portion of a day a violation  
35 occurs or continues for each employee or other person whose rights  
36 under this article were violated. These funds shall be allocated to  
37 the Labor Commissioner to offset the costs of implementing and  
38 enforcing this article.

39 (d) An employee or other person may report to the Labor  
40 Commissioner a suspected violation of this article. The

1 commissioner shall encourage reporting pursuant to this  
2 subdivision by keeping confidential, to the maximum extent  
3 permitted by applicable law, the name and other identifying  
4 information of the employee or person reporting the violation.  
5 However, the commissioner may disclose that person's name and  
6 identifying information as necessary to enforce this article or for  
7 other appropriate purposes, upon the authorization of that person.

8 (e) ~~The Labor Commissioner, Commissioner or the Attorney~~  
9 ~~General, a person aggrieved by a violation of this article, or an~~  
10 ~~entity a member of which is aggrieved by a violation of this article~~  
11 *General* may bring a civil action in a court of competent  
12 jurisdiction against the employer or other person violating this  
13 article and, upon prevailing, shall be entitled to ~~such~~ legal or  
14 equitable relief as may be appropriate to remedy the violation,  
15 including reinstatement, backpay, the payment of sick days  
16 unlawfully withheld, the payment of an additional sum as liquidated  
17 damages in the amount of fifty dollars (\$50) to each employee or  
18 person whose rights under this article were violated for each day  
19 or portion thereof that the violation occurred or continued, plus,  
20 if the employer has unlawfully withheld paid sick days to an  
21 employee, the dollar amount of paid sick days withheld from the  
22 employee multiplied by three; or two hundred fifty dollars (\$250),  
23 whichever amount is greater; and reinstatement in employment or  
24 injunctive relief; and further shall be awarded reasonable attorney's  
25 fees and costs, provided, however, that any person or entity  
26 enforcing this article on behalf of the public as provided for under  
27 applicable state law shall, upon prevailing, be entitled only to  
28 equitable, injunctive, or restitutionary relief, and reasonable  
29 attorney's fees and costs.

30 (f) In an administrative or civil action brought under this article,  
31 the Labor Commissioner or court, as the case may be, shall award  
32 interest on all amounts due and unpaid at the rate of interest  
33 specified in subdivision (b) of Section 3289 of the Civil Code.

34 (g) The remedies, penalties, and procedures provided under this  
35 article are cumulative.

36 249. (a) This article does not limit or affect any laws  
37 guaranteeing the privacy of health information, or information  
38 related to domestic violence or sexual assault, regarding an  
39 employee or employee's family member. That information shall

1 be treated as confidential and shall not be disclosed to any person  
2 except to the affected employee, or as required by law.

3 (b) This article shall not be construed to discourage or prohibit  
4 an employer from the adoption or retention of a paid sick days  
5 policy more generous than the one required herein.

6 (c) This article does not lessen the obligation of an employer to  
7 comply with a contract, collective bargaining agreement,  
8 employment benefit plan, or other agreement providing more  
9 generous sick days to an employee than required herein.

10 (d) This article establishes minimum requirements pertaining  
11 to paid sick days and does not preempt, limit, or otherwise affect  
12 the applicability of any other law, regulation, requirement, policy,  
13 or standard that provides for greater accrual or use by employees  
14 of sick days, whether paid or unpaid, or that extends other  
15 protections to an employee.

16 249.5. (a) A public authority established under Section 12301.6  
17 of the Welfare and Institutions Code shall comply with this article  
18 for individuals who perform domestic services comprising in-home  
19 supportive services under Article 7 (commencing with Section  
20 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and  
21 Institutions Code.

22 (b) A public authority may satisfy this article by entering into  
23 a collective bargaining agreement that provides an incremental  
24 hourly wage adjustment in an amount sufficient to satisfy the  
25 accrual requirements of Section 246.